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| APPLICATION NO.                                                  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|------------------------------------------------------------------|-------------|----------------------|---------------------|------------------|
| 10/603,380                                                       | 06/24/2003  | Douglas P. Funk      | 13318.1001          | 2843             |
| 20601                                                            | 7590        | 05/20/2004           | EXAMINER            |                  |
| SPECKMAN LAW GROUP PLLC<br>1501 WESTERN AVE<br>SEATTLE, WA 98101 |             |                      | SANDY, ROBERT JOHN  |                  |
|                                                                  |             |                      | ART UNIT            | PAPER NUMBER     |
|                                                                  |             |                      | 3677                |                  |

DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/603,380

Applicant(s)

FUNK, DOUGLAS P.

Examiner

Robert J. Sandy

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 14, 15, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 6-13 and 16-18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 06242003
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

The abstract of the disclosure is objected to because it contains the phrase "The present invention ....". It is suggested to change the phrase "The present invention provides a" to - - A - - . Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," "The present invention describes," etc.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 14, 15 and 19, are rejected under 35 U.S.C. 102(b) as being anticipated by Stewart (U. S. Patent No. 656,431). Stewart ('431) discloses device for securing and adjusting laces, cords, and strings, comprising: a body (plate A) having a top surface, a bottom surface, and a perimeter, said body provided with at least two apertures ( C ) positioned laterally on opposite sides of a center of said body, said body further being provided with at least one aperture (B) positioned near the center of said body, said at least one central aperture forming at least two wedge angles (at D) facing each lateral aperture;

(concerning claim 2) the configuration of said perimeter is an irregular curve-shape;

(concerning claim 3) the lateral apertures and central aperture form a longitudinal axis;

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(concerning claim 4) the configuration of said lateral apertures is selected from the group consisting of: oval, circular, triangular, square, and rectangular (i.e., the aperture has circular side walls);

(concerning claim 5) the top surface and said bottom surface are separated by a constant depth (see Fig. 3);

(concerning claim 14) the longitudinal axis is positioned at a same distance from a first edge and a second edge of said body (i.e., as measure in the view shown in either of Figures 1 and 3, preferably Fig. 3);

(concerning claim 15) the longitudinal axis is positioned at a different distance from said first edge and said second edge of said body (i.e., as measured in the view shown in Fig. 1, where the longitudinal axis is considered to be offset from a central axis between the longitudinal edges of plate A); and

(concerning claim 19) the central aperture further comprises an inner wall that is perpendicular to said top or bottom surfaces.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart ('431) in view of Webster (U. S. Patent No. 679,930). Stewart ('31) discloses the claimed device except for wherein the central aperture further comprises an inner wall that forms an acute angle with one of said top or bottom surfaces. Webster ('930) show an analogous cord retaining device having a central aperture (slot C) provided with an inner wall (surface *e* of V-shaped opening *d*) that forms an acute angle with one of said top or bottom surfaces (see Fig 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the inner wall of the central aperture of Stewart's ('431) device to form an acute angle with one

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of the top or bottom surfaces in order to provide "an excellent grip to the cord" as Webster ('930) states in line 47).

***Allowable Subject Matter***

Claims 6-13 and 16-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U. S. Patent Nos. : 1,225,623 ; 1,050,771; 1,639,226 ; 1,806,162 ; 749,847 ; 1,879,475 ; 2,309,315 ; and 858,566 each show securing devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Sandy whose telephone number is 703-305-7413. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**ROBERT J. SANDY**  
**PRIMARY EXAMINER**

Robert J. Sandy  
Primary Examiner  
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